



Paula T. Rogers
Commissioner

*The State of
New Hampshire Insurance
Department*

56 Old Suncook Road
Concord NH 03301 5151
(603) 271-2261 Fax (603)271-1406
TDD Access: Relay NH 1-800-735-2964

BULLETIN

Docket No.: INS 00-014-AB

TO: All Licensed Health and Private Passenger Automobile Insurance Carriers

FROM: Paula T. Rogers
Insurance Commissioner

DATE: August 3, 2000

**RE: COORDINATION OF BENEFITS BETWEEN HEALTH INSURANCE AND MEDICAL
PAYMENT PROVISIONS IN PRIVATE PASSENGER AUTOMOBILE POLICIES**

The Department is in the process of amending and readopting its Coordination of Benefits regulation, Ins 1904. It has come to the Department's attention that clarification is needed as to coordination of benefits between two different insurance sources of coverage for automobile accident related health service expenses:

- (i) health insurance (including network based plans); and
- (ii) medical payment provisions in private passenger automobile policies (also known as "MedPay"). A number of health insurers are seeking reimbursement and/or subrogation against MedPay coverage for payments made for automobile accident related health services. Other health insurers have denied coverage for automobile accident related health services until the covered person exhausts MedPay benefits.

The Department presently advises that, in instances where automobile accident related health services are rendered and where an insured has both health insurance and MedPay coverage, health insurers may not refuse to pay benefits based on the presence of MedPay coverage.

The Department will be proposing amendments to Ins 1904 to clearly allow the insured to claim payment from his or her MedPay carrier for out-of-pocket health services expenses related to an automobile accident in situations in which the insured is not entitled to reimbursement from the primary health insurer. Examples of such claims could include any deductibles and co-payments required under the primary health insurance policy, payments for accident related health services that are not covered benefits under the primary health policy or payment for health services rendered after the primary health coverage benefit is exhausted.

The proposed amendment to Ins 1904 would provide that the health insurer would retain any right of subrogation and could seek reimbursement from unexhausted MedPay coverage, if any, for health services payments made resulting from an automobile accident. Such right would not be exercised by the health carrier until such time as all claims for out-of-pocket accident related health service payments had been submitted by the covered person to the MedPay carrier and adjudicated.

Questions related to this Bulletin may be directed to the Department at (603) 271-2261. The associated proposed rule and the date and time scheduled for a public hearing to receive comments will be posted on our website, www.state.nh.us/insurance at a future date.